IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Crl.Rev.Pet.No. 707 of 2007()

CRA.407/2005 of ADDL. SESSIONS COURT (ADHOC), PATHANAMTHITTA
CC.831/2000 of JUDL.MAGISTRATE OF FIRST CLASS COURT, THIRUVALLA

.....

REVN. PETITIONER/APPELLANT-ACCUSED:

SANTHANAVALLY, "GOURISANKARAN",
VATTIYOORKAVU, THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.THANUPILLAI
SRI.T.K.SHAJI RAJ

RESPONDENTS/ COMPLAINANT& STATE:

---

1. SHAJI.P.KURUVILLA,
IDAKKAMANUL VEEDU, ERAVIPEROOR VILLAGE,
THIRUVALLA.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.707 of 2007

Dated this the 15th day of February, 2007

ORDER

Revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the Sessions Judge, to undergo simple imprisonment for a period of 30 days and to pay a sum of Rs.3,00,000/- as compensation under Section 357(3) of Code of Criminal Procedure and in default, to undergo simple imprisonment for a period of one month. It is seen from the discussion in the judgment of the courts below that the signature on the cheque is admitted. PW1, complainant has deposed as to the due execution of the cheque. In support of the contention of the accused that the signed cheque was lifted by her son and given to the complainant, no evidence has been adduced. In the circumstances and in view of the statutory presumptions and in the absence of any evidence on the side of the accused, I find that the revision petitioner has not made out any reason for

interference in the findings of the courts below.

2. Considering the plea of the revision petitioner, she is granted six months' time from today onwards to make the payment of compensation. The sentence of imprisonment is modified to imprisonment till the rising of the court and to pay compensation etc. as ordered by the courts below. Revision petitioner shall appear before the Judicial First Class Magistrate Court, Thiruvalla on 16.8.2007 to receive the sentence. Non Bailable Warrant, if any, pending shall kept in abeyance till 16.8.2007.

The Criminal Revision Petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

S.A.No.709 of 1996

JUDGMENT

1st February, 2007